

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

JAMES W. COPLEY, JR.

Plaintiff,

v.

Civil Action No.: 2:05-0291

LIBERTY LIFE ASSURANCE COMPANY  
OF BOSTON, a foreign corporation, EL  
PASO ENERGY MARKETING  
CORPORATION, a foreign corporation

Defendant.

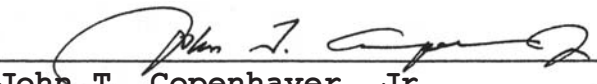
ORDER

On September 6, 2005, defendant Liberty Life Assurance Company of Boston, in an attempt to comply with the court's recently posted "Notice of Electronic Availability of Case File Information Amended to Comply with the E-Government Act of 2002", moved to seal the entire administrative record for the claim and appeal of plaintiff. Inasmuch as defendant seeks to seal the entire administrative record with respect to all direct and electronic access by the public, the court ORDERS that the motion be, and it hereby is, DENIED. Seeking to seal the entire administrative record from all public access infringes upon the well-settled principle that all federal court proceedings are presumptively matters of public concern. Virginia Dept. of State Police v. Washington Post, 386 F.3d 567, 575 (4th Cir. 2004)

(recognizing the presumptive rule and noting "The right of public access to documents or materials filed in a district court derives from two independent sources: the common law and the First Amendment. 'Publicity of such records, of course, is necessary in the long run so that the public can judge the product of the courts in a given case.'"). However, the court ORDERS that electronic access to the administrative record be, and it hereby is, restricted to authorized court personnel, counsel for the parties, and members of the public using the public access terminal located in the clerk's office.

The clerk is directed to forward copies of this order to all counsel of record.

DATED: September 8, 2005

  
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John T. Copenhaver, Jr.  
United States District Judge